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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/713,209	11/17/2003	Yuki Hongo	Q78389	2460
7590 01/10/2006 SUGHRUE, MION, ZINN, MACPEAK & SEAS, PLLC 2100 Pennsylvania Avenue, N.W. Washington, DC 20037-3202			EXAMINER NAKARANI, DHIRAJLAL S	
			ART UNIT	PAPER NUMBER
			1773	

DATE MAILED: 01/10/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/713,209

Applicant(s)

HONGO ET AL.

Examiner

D. S. Nakarani

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 October 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-4 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____

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1. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

2. Claims 1-4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nishida et al (U. S. Patent Application Publication U. S. 2002/0127408 A1) in view of Kumazawa et al (U. S. Patent 5,472,798) for the reasons of record set forth in paragraph 5 of the Office Action mailed July 19, 2005 (Paper Number 20050623). In addition, Nishida et al disclose a composition of high refractive index layer comprising 20 to 60 vol% of Titanium dioxide of the total volume of the particle of titanium dioxide and the particles of indium doped tin oxide and the volume percentage of the metal oxide particles to the total volume of the metal oxide particles and the synthetic resins in the range of, preferably, 30 to 80 vol% (paragraphs 0018 and 0020). When disclosed volume percentages converted into mass percentages deemed to encompass claimed ranges of mass percentages unless shown otherwise. Nishida et al disclose ITO and ATO as being equivalent (Claim 2). Therefore it would have been obvious to a person of ordinary skill in the art at the time of this invention made to use either ITO or ATO at same concentration for forming high refractive index layer. Furthermore, conversion of volume to mass percentages or mass to volume percentages is within ordinary skill in the art. Also optimizing composition of high and/or low refractive index layer is within skill of the art for the desired refractive indexes.

3. Applicant's arguments filed October 19, 2005 have been fully considered but they are not persuasive. In reference to rejection of claims 1-4 under 35 U.S.C. 103(a) as being unpatentable over Nishida et al (U. S. Patent Application Publication U. S. 2002/0127408 A1) in view of Kumazawa et al (U. S. Patent 5,472,798), applicants mainly argue that neither Nishida

et al nor Kumazawa et al disclose or suggest a high refractive index layer having claimed composition. Further applicants state that the claimed content of the antimony-doped tin oxide (ATO) improves the adhesion between the high refractive index layer and the low refractive index layer and increases the total light transmittance. Applicants also state that when ITO is used in place of ATO, as in Nishida et al, the adhesion is inferior.

These arguments are unpersuasive because the invention as claimed does not claim required adhesion between the high refractive index layer and the low refractive index layer. Furthermore there is no evidence provided showing when ITO is used in place of ATO the adhesion is inferior. Nishida et al' disclosure is not limited to ITO only. Nishida et al's disclosure also encompasses use of ATO. Nishida et al's composition of high refractive index layer encompasses claimed composition.

4. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

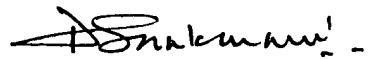
A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

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5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to D. S. Nakarani whose telephone number is (571) 272-1512. The examiner can normally be reached on Tuesday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Carol Chaney can be reached on (571) 272-1284. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



D. S. Nakarani
Primary Examiner
Art Unit 1773

Dsn
January 7, 2006.